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As for the deposed Monchnkasgitk, his place was promptly filled by the election of one "Barcley." Despite the rebuff, Monchnkasgitk rose again in time to the position of subchief at Yainax, where he came to be known as Moses Brown.[17] 657* 648* 622

The major election had removed from immediate power one who had obstructed Agency-sponsored reforms, but had left the membership of the lesser chieftaincies intact. It is clear that administration policy held that representation by a chief was adequate to secure the interests of a band. Thus, in 1871, when John Meacham found the lot of the slaves little improved his remedy was to authorize them to elect a chief "to represent them in the councils and courts of the tribes."[18] In the political order thus established, the chiefs had been displaced from an executive role to constitute a court, while a sheriff, chosen from among the Indians, together with constables, one per chief, were to maintain order. Chiefs, somewhat extralegally, soon began to assume magisterial functions. 657* 648* 622 692 693

It took some time to make the court aware of the bounds within which it ought to operate. John Meacham noted in his charges "an excessive disposition to go to law," and remarked, "I have counciled [sic] the board of chiefs against this, especially against making arrests for trifling offenses or for *no* offence at all, advising them that the object of the law is to *protect* the people and not to *oppress* them."[19] Soon thereafter, he reduced the court to a membership of only seven chiefs and set its sessions at monthly intervals.[20] 657* 648* 622 692

As outlined by Dave Hill, one of the members of the court, the list of offenses combined crimes against the person (murder, adultery, stealing, fornication, witchcraft, and fighting), those against property (arson), together with what can only be considered redefinitions of customary procedure. Thus, cremation of the dead was enjoined and the license permitted a chief in dealing with his followers was severely circumscribed. Marriages were to be confirmed before the principal chief, who was to receive a fee; the bride price was not to be returned on the desertion of the husband; while the court might order the separation of an irreconcilable couple. Monogamy alone was permissible.[21] 657* 648* 622 [68] [764] [585] [643] [586] [595]

Thus, not only were the chiefs given new and different powers,

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served at the Agency and three at Yainax, with an additional policeman at each school to bring in new scholars, recapture runaways, and oversee the prisoners. Dave Hill presided over the police building at the Agency, with quarters for his family and cells for the prisoners.[66] On occasion, policemen accompanied labor parties off the reservation and worked alongside them for pay in addition to their salaries; and they served as escort to the freighting runs to Ashland and Jacksonville and the late winter expeditions to the Lost River fisheries. They were a considerable power in maintaining order, even apprehending deserters from Fort Klamath; and Emery used them effectively in imposing his agricultural policy upon his wards.

The police, however, at times found themselves at odds with the very laws and regulations they were employed to uphold. Among those involved in the illicit traffic in reservation timber, as already described, were several members of the police, together with other Agency employees, and three chiefs: Monchnkasgitk, Allen David, and David Hill. The latter, in 1888, learned at first hand the impersonal character of authority when, disturbed by some ruling concerning his son, he approached the clerk who was acting as Agent in the absence of Emery, in what that worthy described as "an angry, insulting, insolent, defiant, threatening, warlike and rebellious manner." He was arrested—resisting the while—and locked in the guardhouse; and the clerk requested that he be kept in solitary confinement for one week, or until the clerk had returned from Yainax.[67]

Emery apparently conceived that too much power was concentrated in a few hands, for later that year he reorganized the court, with the observation that "in the very nature of things the *Judge* should not be the *Sheriff*." His appointments were drawn from a new generation of leaders: William Crain, William Crawford, and Benjamin Butler.

> They are intelligent men [he observed], [and] can read and write and speak accurately the English language. One of them is a graduate of the Chemawa Indian School, another educated at the Klamath School and the third one is the best informed man on the reservation.
>
> Court is held once a quarter at Yainax—40 miles from here and twice a quarter at the Agency.

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> I might call attention to the fact that at the last election in Klamath County a trust patented Indian was elected Justice of the Peace, and a fee patented Indian was elected Constable of the Beatty District on the Klamath reservation. It seems a rather unusual situation when a trust patented Indian can preside as a judge over a court and pass sentence on other people and at the same time question the same court's jurisdiction over him.[8]

Nor was this all. Federally regulated land on the reservation was off bounds for officers of the law from city, county, and state; yet in 1947 there were only two special Indian officers and two deputies to enforce law and order over almost one million acres of reservation. It was physically impossible for them to follow up all cases, and consequently they could not deal effectively with the misdemeanors of delinquents or with truancy from the county schools.

In the 1920's, soon after the opening of the reservation, towns such as Chiloquin were faced with the influx of a mobile population in which the unmarried "timber beast" was prominent. Roistering and violence occasionally assumed major proportions, and law enforcement broke down at first. Within the first three years after its incorporation in 1926, Chiloquin witnessed no less than twelve appointments to the position of town marshal. At times the Superintendent, concerned over the effect upon the Indians, intervened, delivering an ultimatum or sending in his officers to restore order. His jurisdiction, in turn, was also limited: When Arnold brought pressure to bear upon Chiloquin authorities to close down gambling in the pool halls and card rooms, the gamblers merely shifted their operation to Bly, just over the eastern boundary of the reservation, and the same procedure had to be repeated by state and local officials there.

The interdependence of law enforcement on state lands and reservation was emphasized during the depression. In 1931, when logging on the reservation—and with it tribal income—had been temporarily reduced by Washington, a tribal leader, Wade Crawford, succeeded in securing a congressional cut in the administrative budget of the Agency, which from about 1924 had been supported out of tribal revenue. Since the budgetary allocation for law enforcement then became inadequate, the federal officers left, until there remained only a constable and an

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In turn, by appropriate vote
*[648] *[659] [642] [646] [666] within ninety days, the General Council might—and on occasion did—reverse the action of its Executive Committee. Finally, by a petition of at least one-fourth of the eligible voters, an action of the General Council might be submitted to a referendum of tribal members.[3]

In the succession of tribal bodies, the interest of the government was not solely the convenience of securing formal sanction in property matters concerning the common interest of enrolled
[182] members. The tribal government was to provide as well a regular channel by which the government might assess tribal opinion, consult with leaders, and announce programs; and it was to furnish tribal members with experience in responsible citizenship. Through this instrument, a representative body was to be articulated with Bureau administration, its decisions being rendered concrete in official minutes and subjected to review by higher administrative echelons.

Tribal rule is municipal in character, as seen in the restricted scope of its powers.[4] The narrow administrative domain with which the Klamath executive dealt is suggested by the names of the permanent adjuncts of the Executive Committee, the Tribal Loan Board and the Enrollment Committee. In 1947, some fifteen tribal members and one other were employed in General Council and Loan Board activities. By contrast, the Superintendent employed 123 persons, including 31 tribal members and 40 Indians from other groups, in the administration of agency, health, extension, law and order, roads, forestry and grazing, and irrigation.[5] Over these areas the Executive Committee might exercise a veto by cutting from the proposed Agency budget tribal funds allocated to an unwanted item. In this way, the hospital, bull pool, and tribal herd have occasionally been threatened. Ordinarily, however, the Executive Committee took no positive action in the development of a budget. Understandably, Klamath efforts to appoint a tribal member to serve as watchdog over Agency administration were not kindly received.

• [693] In the formulation of general policy, the executive drew upon the advice of the tribal attorney, as well as upon unofficial counsel, both sought and volunteered. All major policy decisions required approval by the General Council and were subject to review within the Bureau of Indian Affairs and the Department

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had come to be restricted to those agencies formally responsible for their education.

Thus, in the supervision of Klamath resources, the Agency preferred the short-range goals of prudence and efficiency over the distant one of training individuals. As if to underscore the generally alien character of the Agency staff, officials had preferred to fill jobs earmarked for Indians with skilled persons from other reservations; and even those Klamath who were hired seemed to take the side of the government and refused, for the most part, to make exceptions for their kin and friends. Thus, the dependence implicit in Agency control was often rendered more distasteful because its operations were not conducted under those relaxed and particularistic contexts so much valued by Klamath in interpersonal relationships. And, as in ethnic relations, the irritations seemed to stick longer in the memory than those of pleasanter character.

To the special qualities of Klamath factionalism there was added the independence conferred by the institution of the tribal attorney and the Washington delegation. Although tribal government had originally been envisioned as the lowest link in a chain running upward through the Bureau to the head of state, during the superintendency of Oliver Applegate the Klamath had forged an alternative linkage. The tribal attorney, whose retention had often been justified as providing independent counsel when claims were pressed against the government, was also expected to provide advice in areas in which the Bureau already had the duty of counsel. In such instances as the negotiating of timber contracts and in long-range planning for the tribal future, he thus furnished an expertise apart from that offered as a matter of course by the Bureau.

Although the greater part of tribal business was in fact conducted directly through the Agency, pending claims and legislation under consideration by Congress drew delegations on annual pilgrimage to the Capitol to present the tribal viewpoint. Through the years, veteran Klamath delegates came to establish informal understandings, not alone with their own representatives and senators, but with those from other states who shared similar political outlooks. Since those legislators were often also influen-